

# **EXHIBIT D**

## **(Redacted)**

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BY E-MAIL

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March 5, 2025

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VIA E-MAIL

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Re: *Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-5640 (N.D. Cal.)

Counsel:

On behalf of Apple, I write in response to Epic's letter of February 28, 2025. Most of that letter is not responsive to our original request, which was for Epic to propose an appropriate remedy for its improper use of privileged information during the hearing. While we disagree with Epic's position regarding privilege designations, we see no reason to engage in a letter-writing campaign on the issue.

As to the issue actually raised by Apple: In a sealed session on February 25, the Court made clear that references to [REDACTED] as used in the relevant slide decks, are safeguarded by the attorney-client privilege. To ensure consistency across the evidentiary record, Apple will ask the Court, by appropriate motion, to strike reference to the corresponding portions of the transcript. We assume from the parties' previous correspondence that Epic will oppose this motion.

As to Epic's request for specific explanation of Apple's privilege assertions over unique versions of individual slide decks, no such explanation is warranted. Apple's privilege assertions over the June 1 deck were twice upheld by independent judicial officers.

We are available to meet and confer at Epic's convenience.

Sincerely,



Mark A. Perry